IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CRIMINAL APPLICATION NO. 873 OF 2005

Mr. P.Hamza Alvi .. Applicant
Vs.
M/s. A.B.C.Travel & Tours (India)
Pvt.Ltd. & Anr. ... Respondents

Mr. Prakash Naik for the applicant.
Mr. S.N.Chimde, for Respondent no.1.

CORAM: S.K.SHAH,J.
DATE : 17th October,2006

P.C.

1. By this Application, the applicant challenged the order passed by the learned Magistrate on Discharge Application dated 8.10.2004 whereby the application came to be rejected. The order is as under :-

> "The application for recalling process is hereby rejected."

Basically the application was for recalling process. Against that the applicant has filed Revisiiion which came to be dismissed by the Sessions Court as not maintainable.

2. Without going into the legality or propriety of the order passed by the Sessions Court, on facts, the Magistrate held that the contention raised on behalf of the applicant can be raised only at the time of trial and I do not find that the Magistrate has committed any error or illegality in the order.

3. Under the circumstances, I do not find any merit in the Criminal Application. The Criminal Application is, therefore, dismissed.

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(S.K.SHAH,J.)